

Translation

PATENT COOPERATION TREATY

PCT/DE2003/002684



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference ACDPA5210PWO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE2003/002684	International filing date (<i>day/month/year</i>) 08 August 2003 (08.08.2003)	Priority date (<i>day/month/year</i>) 16 August 2002 (16.08.2002)
International Patent Classification (IPC) or national classification and IPC G07F 17/12		
Applicant DEUTSCHE POST AG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>9</u> sheets, including this cover sheet. <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of <u>6</u> sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 10 February 2004 (10.02.2004)	Date of completion of this report 19 November 2004 (19.11.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages _____ 2-10 _____, as originally filed
pages _____, filed with the demand
pages _____ 1, 1a, 1b, 1c _____, filed with the letter of _____ 27 October 2004 (27.10.2004)
- ☒ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____ 1-7 _____, filed with the letter of _____ 27 October 2004 (27.10.2004)
- ☒ the drawings:
pages _____ 1/3-3/3 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/E 03/02684

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-7	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-7	NO
Industrial applicability (IA)	Claims	1-7	YES
	Claims		NO

2. Citations and explanations

1. Cited documents

This preliminary examination report makes reference to the following documents cited in the search report; the same numbering will be used throughout the procedure:

- D1: WO 01 31593 A (SMITH GOWER; IMAGING TECHNOLOGIES PTY LTD (AU)), 3 May 2001 (2001-05-03)
- D2: WO 01 00069 A (EXPRESS PAX LTD; STEVENS RICHARD JOHN (GB)), 4 January 2001 (2001-01-04)
- D3: WO 01 52199 A (CLAUSEN OLAF), 19 July 2001 (2001-07-19)
- D4: WO 01 41605 A (GUARANTEED DELIVERIES COM), 14 June 2001 (2001-06-14)
- D5: DE 100 33 664 A (FASBENDER JOERG; WEBER GERALD (DE)), 13 September 2001 (2001-09-13)
- D6: FR-A-2 561 949 (ARC SERVICES), 4 October 1985 (1985-10-04)

2. PCT Article 34(2) (b):

2.1 In the new claim. the former claim 8 has been

combined with parts of the features of the former claims 1, 5 and 6.

This combination of claims was not part of the original application.

In particular, the first alternative in the original claim 8 provided for the electronic parcel mailbox installation to generate if necessary a postal mail identification code when a postal mail was delivered (first alternative preceded by and/or). There is no basis in the original application for the combination of this alternative with features of claims 1, 5 and 6; the present claim 1 therefore does not meet the requirements of PCT Article 34(2)(b).

On the contrary, the other alternative provided in the original claim 8, i.e. the detection by the electronic parcel mailbox installation of a postal mail identification code when postal mail is delivered, corresponds to the original claim 1 and can therefore also be combined with the original claims 5 and 6.

- 2.2 Moreover, the original claim 8 states that the postal mail identification codes are is detected and/or evaluated by a data processing system that stores transport data during subsequent postal mail handling operations. However, this implies that the identification code was previously stored. The inclusion in the original claim 8 of the second feature of the characterising part of the original claim 1 gives to a person skilled in the art additional information, i.e. where the storage can

take place. In this respect, the new claim 1 thus also fails to meet the requirements of PCT Article 34(2)(b).

- 2.3 The new claim 1 contains the features of the original claims 5 and 6. According to the original claim 5, the presence "of a sum of money and/or information having a predeterminable monetary value" was determined. The original claim 6, which referred back to the original claim 5, contained however the restriction that the identification code contained the information of monetary value.

This means that there is no basis in the original application under PCT Article 34(2)(b) for the alternative in the original claim 5 according to which the presence of a sum of money is determined, in combination with the additional feature of the original claim 6. Only the alternative in which the presence of information of monetary value is determined has a basis in the original application, in combination with the additional feature of the original claim 6.

- 2.4 According to page 6, lines 21-26 of the original application, the number circles (S, M, L, XL, F) on the label stand in direct relation to the mailbox size (S, M, L, XL) and when an identification code or identification belonging to the number circle S is scanned or detected, only a small mailbox is opened.

Number circles related to particular price levels are not mentioned anywhere; in lines 17-20, only a possible price scale according to mailbox size or a

price valid for all parcels is vaguely mentioned.

Consequently, the features on lines 21-25 of the new claim 1 have no basis in the original application; this addition does not meet the requirements of PCT Article 34(2)(b).

- 2.5 A corresponding observation also applies to the corresponding passages on pages 1 and 1c of the description.

3. Novelty, inventive step:

3.1 Preliminary observation:

The number and type of objections raised against the present application under PCT Article 34(2)(b) and PCT Article 6 make it difficult to assess the claims for novelty and inventive step.

3.2 Claim 1:

D1 discloses a method for conveying postal mail using an electronic parcel mailbox installation. The customer can pay a predeterminable sum of money at the parcel mailbox installation and an identification code containing information of monetary value is provided (since credit is rendered possible by the identification code); see page 3, lines 2-13; page 4, lines 2-6; page 5, lines 1-22; page 6, lines 25-27; page 8, lines 4-5; page 12, lines 7-34.

D2 also discloses a method for conveying postal mail provided with an identification code (package code on page 3, paragraph 2; item code on page 4, paragraph 2; package ID on page 11, paragraph 1) in

a mailbox of an electronic parcel mailbox installation (box). The identification code is detected and stored in the electronic mailbox installation (page 11, paragraph 1, lines 4-6).

D3 discloses a method for conveying postal mail in which a parcel number is detected and transmitted to a central administration computer for controlling the movement of goods (see the passages cited in the search report and page 5, line 14 - page 6, line 16).

D4 also relates to a method of this type (see page 13, lines 10-19; page 19, lines 7-30).

In each of the documents D1-D4, the electronic parcel mailbox installation detects, when postal mail is delivered, the identification code (by means of a bar code, RF or IR connection, etc.). The electronic parcel mailbox installation of the systems in D1 (abstract), D2 (page 8, last paragraph; page 13, paragraphs 4-6; figure 8), D3 (page 9, line 36 - page 10, line 17) and D4 (page 19, line 31 - page 21, line 8) are designed to receive and identify postal mail to be sent. This implied the use of the identification code during subsequent handling steps, when that is not already explicitly mentioned.

Moreover, a person skilled in the field of mail sorting generally knows that an identification code can be applied to sort and route postal mail, the identification referring to address or sorting information in a data base (in particular in the field of automatic address recognition associated

with video coding stations instead of address information which is also applied to the postal mail).

Each of the documents D1 to D4 therefore discloses the essential features of claim 1 of the present application.

The features which distinguish the subject matter of claim 1 of the present application from those documents are generally known to a person skilled in the art, when their use for the same purpose as in the present application is not already known from each of the other documents D1 to D4. Consequently, the subject matter of claim 1 is not inventive (PCT Article 33(3)).

3.3 Dependent claims 2-7:

The features of the dependent claims are generally known to a person skilled in the art, insofar as their use for the same purpose as in the present application is not already known from the search report citations, and therefore also fail to involve an inventive step.

4. Box VII:

4.1 The features of the claims are not followed by reference signs in parentheses (in order to improve the readability of the claims). This applies to both the preamble and the characterising part (see PCT Guidelines III-4.11).

5. Box VIII:

- 5.1 The present claim 1 no longer indicates that postal mail is delivered to a box of the electronic parcel mailbox installation. However, reference is subsequently made to said box in lines 21 and 24. Claim 1 thus does not meet the requirements of PCT Article 6 for clarity.
- 5.2 Claim 1 contains the words "and/or" in lines 7, 11, 12 and 20. As a result, claim 1 contains a total of 16 alternatives, making it difficult to determine the subject matter for which protection is sought. Also for this reason, claim 1 does not meet the requirements of PCT Article 6 for clarity and conciseness. See, in this respect, also points 2.1 and 2.3 above.
- 5.3 It is not clear from the wording of claim 1 whether a delivery agent delivers postal mail which he already transported to the parcel mailbox installation or whether a customer delivers postal mail to be conveyed by a delivery agent to a box of a parcel mailbox installation. Also for this reason, claim 1 does not meet the requirements of PCT Article 6 for clarity. Moreover, this lack of clarity makes it possible to read in claim 1 features from documents D1 to D4 which relate to the one or the other situation.
- 5.4 According to claim 1, in certain circumstances no check is carried out to determine whether the identification code contains information having a predeterminable monetary value, only a check whether a sum of money is present. Claim 1 can thus also be construed to apply to a situation in which a customer pays for some service or product at the

parcel mailbox installation. The simple fact that the identification code contains information of monetary value could also be broadly interpreted and includes, for example, the case of an extra stamp affixed to the parcel.

5.5 The sequence of process steps mentioned in lines 8-13 of claim 1 is not logical and is therefore unclear. Normally, information is first stored and then analysed.

5.6 It is not clear what is the relationship between the price scale and the information having a predeterminable monetary value mentioned in line 20 of claim 1.

5.7 No examples of the embodiment in independent claim 1 are depicted in the drawings, since the customer always selects a mailbox size.